

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 22, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Stevenson. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Candace Aguirre, Page.

Approval of Journal

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

February 21, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

H 404, as amended in the Senate

In addition, I will be communicating with the leadership and attorney from "Occupy Boise" to let them know that I have received and signed the bill, and provide that they have a deadline of 5 PM on Monday, February 27, 2012 to vacate the impacted state properties.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

February 21, 2012

Mr. Speaker:

I transmit herewith S 1274, S 1215, as amended, S 1292, S 1260, S 1261, S 1262, S 1273, and S 1301 which have passed the Senate.

NOVAK, Secretary

S 1274, S 1215, as amended, S 1292, S 1260, S 1261, S 1262, S 1273, and S 1301 were filed for first reading.

February 21, 2012

Mr. Speaker:

I transmit herewith S 1298, S 1291, S 1310, S 1313, S 1307, S 1308, and S 1314 which have passed the Senate.

NOVAK, Secretary

S 1298, S 1291, S 1310, S 1313, S 1307, S 1308, and S 1314 were filed for first reading.

Report of Standing Committees

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed HCR 39, HJM 11, HJM 12, HCR 40, HCR 41, H 570, H 571, H 572, H 573, H 574, H 575, H 576, H 577, H 578, and H 579.

WILLS, Chairman

HCR 39 and H 574 were filed for second reading.

HJM 11, HJM 12, H 571, H 572, H 575, H 576, and H 578 were referred to the State Affairs Committee.

HCR 40 and HCR 41 were referred to the Commerce and Human Resources Committee.

H 570 and H 577 were referred to the Transportation and Defense Committee.

H 573 was referred to the Health and Welfare Committee.

H 579 was referred to the Education Committee.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled HJM 7 and HJM 4.

WILLS, Chairman

The Speaker announced he was about to sign enrolled HJM 7 and HJM 4 and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled H 404, as amended in the Senate, to the Governor at 11:07 a.m., as of this date, February 21, 2012.

WILLS, Chairman

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration H 489 and recommend that it do pass.

LAKE, Chairman

[H 489](#) was filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#) and recommend that they do pass.

STEVENSON, Chairman

[H 457](#), [H 459](#), [H 461](#), [H 525](#), and [H 543](#) were filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1214](#), [S 1263](#), and [S 1272](#) and recommend that they do pass.

WILLS, Chairman

[S 1214](#), [S 1263](#), and [S 1272](#) were filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 546](#) and recommend that it do pass.

BLOCK, Chairman

[H 546](#) was filed for second reading.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 522](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[H 522](#) was placed on General Orders for consideration.

February 21, 2012

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 520](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

[H 520](#) was placed on General Orders for consideration.

February 22, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 536](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 536](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 42 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE

DEPARTMENT OF HEALTH AND WELFARE RELATING TO RULES OF THE EMERGENCY MEDICAL SERVICES (EMS) PHYSICIAN COMMISSION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Health and Welfare relating to Rules of the Emergency Medical Services (EMS) Physician Commission is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.02.02, Department of Health and Welfare, Rules of the Emergency Medical Services (EMS) Physician Commission, adopted as a pending rule under Docket Number 16-0202-1101, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 43 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO RESIDENTIAL HABILITATION AGENCIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Residential Habilitation Agencies is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.04.17, Department of Health and Welfare, Residential Habilitation Agencies, Section 404, Subsection 04, only, adopted as a pending rule under Docket Number 16-0417-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

HOUSE CONCURRENT RESOLUTION NO. 44 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE DEPARTMENT OF HEALTH AND WELFARE TO PROMULGATE A CERTAIN RULE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, on February 6, 2012, the House Health and Welfare Committee voted to not approve a rulemaking docket of the Department of Health and Welfare governing Medicaid Basic Plan Benefits and relating to Medicaid program coverage of tobacco cessation products for children and pregnant women,

adopted as a temporary rule under Docket No. 16-0309-1201; and

WHEREAS, the temporary rulemaking docket was not approved by the House Health and Welfare Committee because it does not include provisions relating to the safety and effectiveness of tobacco cessation pharmacotherapy in pregnant women; and

WHEREAS, in June 2011, State Medicaid Directors received a report from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services, which references recommendations regarding tobacco cessation services for pregnant women that are contained in the "Treating Tobacco Use and Dependence: 2008 Update: A Clinical Practice Guideline," published by the Public Health Service in May 2008 (PHS Guideline); and

WHEREAS, the PHS Guideline does not recommend tobacco cessation pharmacotherapy for pregnant women because there is insufficient evidence of the specific safety and effectiveness of pharmacotherapy in pregnant women.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature urges the Department of Health and Welfare to promulgate a rule relating to Medicaid program coverage of tobacco cessation services for children and pregnant women that incorporates the specific recommendations for pregnant women contained in the 2008 PHS Guideline, or any subsequent modification of the Guideline.

[HCR 42](#), [HCR 43](#), and [HCR 44](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 580 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2007, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS OF URBAN RENEWAL AGENCIES AND TO PROVIDE FOR AN ELECTION; AND AMENDING SECTION 50-2012, IDAHO CODE, TO PROVIDE FOR AN ELECTION TO APPROVE OR DISAPPROVE CERTAIN BONDS OR OBLIGATIONS, TO REVISE PROVISIONS RELATING TO THE AUTHORIZATION OF BONDS AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 581 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE STREAMLINED SALES TAX; AMENDING SECTION 50-1046, IDAHO CODE, TO PROVIDE THAT ONE OF THE CITY LOCAL-OPTION NONPROPERTY TAXES SHALL BE A SALES TAX UPON SALES SUBJECT TO TAXATION UNDER THE STATE SALES AND USE TAX ACT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-1049, IDAHO CODE, TO REVISE COLLECTION AND ADMINISTRATION PROCEDURES OF LOCAL-OPTION NONPROPERTY TAXES; AMENDING SECTION 63-105,

IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND AUTHORITY TO THE STATE TAX COMMISSION; AMENDING SECTION 63-3607, IDAHO CODE, TO REVISE THE DEFINITION OF "PERSON"; AMENDING SECTION 63-3608, IDAHO CODE, TO REVISE THE DEFINITION OF "PURCHASE"; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3608A, IDAHO CODE, TO PROVIDE A DEFINITION OF "PURCHASER"; AMENDING SECTION 63-3609, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAIL SALE" OR "SALE AT RETAIL"; AMENDING SECTION 63-3610, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAILER"; AMENDING SECTION 63-3611, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAILER ENGAGED IN BUSINESS IN THIS STATE"; AMENDING SECTION 63-3612, IDAHO CODE, TO REVISE THE DEFINITION OF "SALE"; AMENDING SECTION 63-3613, IDAHO CODE, TO REVISE THE DEFINITION OF "SALES PRICE"; AMENDING SECTION 63-3614, IDAHO CODE, TO REVISE THE DEFINITION OF "SELLER"; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 63-3615B THROUGH 63-3615DD, IDAHO CODE, TO DEFINE "AGENT," TO DEFINE "CERTIFIED AUTOMATED SYSTEM," TO DEFINE "CERTIFIED SERVICE PROVIDER," TO DEFINE "ENTITY-BASED EXEMPTION," TO DEFINE "MODEL 1 SELLER," TO DEFINE "MODEL 2 SELLER," TO DEFINE "MODEL 3 SELLER," TO DEFINE "MODEL 4 SELLER," TO DEFINE "PRODUCT-BASED EXEMPTION," TO DEFINE "REGISTERED UNDER THE STREAMLINED SALES TAX AGREEMENT," TO DEFINE "USE-BASED EXEMPTION," TO DEFINE "STATE," TO DEFINE "BUNDLED TRANSACTION," TO DEFINE "DELIVERY CHARGES," TO DEFINE "DIRECT MAIL," TO DEFINE "LEASE OR RENTAL," TO DEFINE "CLOTHING," TO DEFINE "CLOTHING ACCESSORIES OR EQUIPMENT," TO DEFINE "ESSENTIAL CLOTHING," TO DEFINE "FUR CLOTHING," TO DEFINE "PROTECTIVE EQUIPMENT," TO DEFINE "SPORTS OR RECREATIONAL EQUIPMENT," TO PROVIDE COMPUTER-RELATED DEFINITIONS, TO PROVIDE COMPUTER SOFTWARE MAINTENANCE CONTRACT DEFINITIONS, TO PROVIDE DIGITAL PRODUCTS DEFINITIONS, TO PROVIDE FOOD AND FOOD PRODUCTS DEFINITIONS, TO PROVIDE HEALTH CARE TERMS, TO PROVIDE TELECOMMUNICATIONS TAX BASE AND EXEMPTION TERMS AND TO PROVIDE SALES TAX HOLIDAY DEFINITIONS; AMENDING SECTION 63-3616, IDAHO CODE, TO REVISE THE DEFINITION OF "TANGIBLE PERSONAL PROPERTY"; AMENDING SECTION 63-3619, IDAHO CODE, TO REVISE PROVISIONS FOR IMPOSITION OF THE SALES TAX AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3621, IDAHO CODE, TO ALLOW THE USE TAX TO APPLY TO TAXABLE SERVICES; AMENDING SECTION 63-3622N, IDAHO CODE, TO REVISE THE EXEMPTION FOR PRESCRIPTIONS AND TO PROVIDE AN EXEMPTION FOR MEDICAL EQUIPMENT; AMENDING SECTION 63-3622UU, IDAHO CODE, TO REVISE THE PROVISIONS FOR APPLICATION OF THE PERSONAL PROPERTY TAX ON RENTALS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622AAA, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR ITEMS FORMERLY NOT INCLUDED IN THE DEFINITION OF "SALES PRICE"; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE

63, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION, TO PROVIDE STATE AND LOCAL TAX BASES, TO PROVIDE THAT THE STREAMLINED SALES TAX AGREEMENT IS NOT TO PREEMPT STATE LAW, TO PROVIDE FOR SELLER REGISTRATION, TO PROVIDE NOTICE FOR STATE TAX CHANGES, TO PROVIDE FOR LOCAL RATE AND BOUNDARY CHANGES, TO PROVIDE FOR RELIEF FROM CERTAIN LIABILITY, TO PROVIDE DATABASE REQUIREMENTS AND EXCEPTIONS, TO PROVIDE FOR STATE AND LOCAL TAX RATES, TO PROVIDE APPLICATION OF GENERAL SOURCING RULES AND EXCLUSIONS FROM THE RULES, TO PROVIDE FOR GENERAL SOURCING RULES, TO PROVIDE AN ELECTION FOR ORIGIN-BASED SOURCING, TO PROVIDE GENERAL SOURCING DEFINITIONS, TO PROVIDE FOR DIRECT MAIL SOURCING, TO PROVIDE AN ELECTION FOR ORIGIN-BASED DIRECT MAIL SOURCING, TO PROVIDE FOR A TELECOMMUNICATION AND RELATED SERVICES SOURCING RULE, TO PROVIDE FOR TELECOMMUNICATION AND RELATED SERVICES SOURCING RULE DEFINITIONS, TO PROVIDE FOR ENACTMENT OF EXEMPTIONS, TO PROVIDE FOR ADMINISTRATION OF EXEMPTIONS, TO PROVIDE FOR UNIFORM TAX RETURNS, TO PROVIDE UNIFORM RULES FOR THE REMITTANCE OF FUNDS, TO PROVIDE UNIFORM RULES FOR RECOVERY OF BAD DEBTS, TO PROVIDE FOR CONFIDENTIALITY AND PRIVACY PROTECTIONS UNDER MODEL 1 AND TO DEFINE A TERM, TO PROVIDE FOR SALES TAX HOLIDAYS, TO PROVIDE THE EFFECTIVE DATE FOR RATE CHANGES, TO PROVIDE FOR BUNDLED TRANSACTIONS, TO PROVIDE CAPS AND THRESHOLDS, TO PROVIDE FOR A ROUNDING RULE, TO PROVIDE CUSTOMER REFUND PROCEDURES, TO PROVIDE FOR DIRECT PAY PERMITS, TO PROVIDE FOR A TAXABILITY MATRIX, TO PROVIDE RELIEF FROM CERTAIN LIABILITY FOR PURCHASERS, TO PROVIDE APPLICATION TO SPECIFIED DIGITAL PRODUCTS, TO PROVIDE FOR USE OF SPECIFIED DIGITAL PRODUCTS, TO PROVIDE FOR PROHIBITED REPLACEMENT TAXES, TO PROVIDE FOR SELLER PARTICIPATION, TO PROVIDE AMNESTY FOR REGISTRATION, TO PROVIDE A METHOD OF REMITTANCE, TO PROVIDE FOR REGISTRATION BY AN AGENT, TO PROVIDE FOR CERTIFICATION OF SERVICE PROVIDERS AND AUTOMATED SYSTEMS, TO PROVIDE FOR REVIEW AND APPROVAL OF CERTIFIED AUTOMATED SYSTEM SOFTWARE AND CERTAIN LIABILITY RELIEF, TO PROVIDE FOR A MONETARY ALLOWANCE UNDER MODEL 1, TO PROVIDE FOR A MONETARY ALLOWANCE FOR MODEL 2 SELLERS, TO PROVIDE VENDOR COMPENSATION DEFINITIONS, TO PROVIDE A COMPENSATION REQUIREMENT, TO PROVIDE A PETITION FOR COLLECTION AUTHORITY AND COMPENSATION COMPLIANCE DETERMINATIONS, TO PROVIDE STANDARDS FOR COMPENSATION, TO PROVIDE AN OBLIGATION TO PAY, TO PROVIDE A SMALL SELLER EXCEPTION, TO PROVIDE FOR REPEAL OF CERTAIN PROVISIONS IF AN EVENT DOES NOT OCCUR, TO PROVIDE FOR VOLUNTARY COMPENSATION FOR REMOTE SELLERS, TO PROVIDE FOR OPTIONAL COMPENSATION FOR REMOTE SELLERS, TO PROVIDE FOR ENTRY INTO THE AGREEMENT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 582
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3022L, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TAXATION OF INCOME OF OWNERS OF AN INTEREST IN A PASS-THROUGH ENTITY, TO DEFINE A TERM AND TO PROVIDE ADMINISTRATIVE PROVISIONS; AMENDING SECTION 63-3036B, IDAHO CODE, TO REVISE PROVISIONS REGARDING BACKUP WITHHOLDING FOR PASS-THROUGH ENTITIES; AMENDING SECTION 63-3082, IDAHO CODE, TO PROVIDE A CORRECT TERM; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 580](#), [H 581](#), and [H 582](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1274](#), by Transportation Committee, was introduced, read the first time by title, and held at the Desk.

[S 1215](#), as amended, and [S 1292](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1260](#), [S 1261](#), [S 1262](#), and [S 1273](#), by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1301](#) and [S 1314](#), by Education Committee, were introduced, read the first time by title, and referred to the Education Committee.

[S 1298](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1291](#), by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[S 1310](#) and [S 1313](#), by Transportation Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1307](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1308](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Education Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 452](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 521](#) and [H 534](#), by Education Committee, were read the second time by title and filed for third reading.

[H 482](#) and [H 484](#), by Local Government Committee, were read the second time by title and filed for third reading.

[H 500](#), [H 501](#), and [HJM 10](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time, Mr. Bedke introduced The Honorable Mike Crapo, United States Senator, who spoke briefly to the members of the House.

Mr. Moyle asked unanimous consent that [H 396](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

**[H 376](#) - SUCCESSOR CORPORATION
ASBESTOS-RELATED LIABILITY FAIRNESS
ACT**

[H 376](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall [H 376](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chew, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Lake, Loertscher, Marriott, McGeachin, McMillan, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 47.

NAYS – Bell, Buckner-Webb, Burgoyne, Cronin, DeMordaunt, Hart, Higgins, Jaquet, Killen, King, Lacey, Luker, Nessel, Pence, Perry, Ringo, Rusche, Smith(24), Thayne, Trail, Wills, Wood(27). Total – 22.

Absent and excused – Stevenson. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 376](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:30 p.m.

Without objection, the Speaker declared the House at recess until 1:30 p.m.

**RECESS
Afternoon Session**

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Eleventh Order of Business.

[H 419](#) - REAL ESTATE APPRAISERS

[H 419](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 419](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bayer, Black, Ellsworth, Hagedorn, Lake, Nonini, Roberts, Shepherd, Stevenson. Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 419](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 466](#) - PLUMBING AND PLUMBERS

[H 466](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [H 466](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bayer, Black, Ellsworth, Hagedorn, Lake, Nonini, Roberts, Shepherd, Stevenson. Total – 9.

Total – 70.

Whereupon the Speaker declared that [H 466](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 467](#) - HEATING, VENTILATION AND AIR
CONDITIONING CONTRACTORS**

[H 467](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 467](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Eskridge, Gibbs, Guthrie, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Pence, Perry, Raybould, Ringo,

Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Black, Ellsworth, Hagedorn, Nonini, Patrick, Roberts, Shepherd, Stevenson. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 467](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 468](#) - MOBILE AND MANUFACTURED HOMES

[H 468](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall [H 468](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 64.

NAYS – Harwood. Total – 1.

Absent and excused – Black, Nonini, Roberts, Shepherd, Stevenson. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 468](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 517](#) - INCOME TAX - TEACHER EXPENSES

[H 517](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [H 517](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Black, Roberts, Shepherd, Stevenson. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 517](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 532](#) - STATE POLICE

[H 532](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 532](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Roberts, Shepherd, Stevenson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 532](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 397](#) - IRRIGATION DISTRICT ELECTIONS

[H 397](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall [H 397](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Roberts, Shepherd, Stevenson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 397](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayn, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Crane, Stevenson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 498](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, February 23, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:37 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk